

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor, if only one name is listed below, or an original, first and joint inventor, if plural names are listed below, of the subject matter which is claimed and for which a patent is sought on the invention entitled **ALKALINE CELL HAVING A CATHODE INCORPORATING ENHANCED GRAPHITE**, the specification of which is attached hereto.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office (the Office), all information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations (C.F.R.), Section 1.56.

### CLAIM OF PRIORITY

I hereby claim foreign benefits under Title 35, United States Code (U.S.C.), Section 119, of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

I hereby claim the benefit under 35 U.S.C. § 120, of any United States application(s) listed below and, insofar as the above-identified specification, including claims, discloses and claims subject matter in addition to that disclosed in the prior copending application(s), listed below, I acknowledge the duty to disclose to the Office, all information which is known by me to be material to patentability as defined in 37 C.F.R. § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

Application Number 60/072,269 filed on January 7, 1998.

### POWER OF ATTORNEY

I hereby appoint Robert W. Welsh, Reg. No. 31 687; Stewart A. Fraser, Reg. No. 33 882; Michael C. Pophal, Reg. No. 37 700; Russell H. Toye, Jr. 43 200; and Linda Gabauer, Reg. No. 38 718 and the practitioners associated with Customer Number 000,277 (i.e., the practitioners associated with the law firm of Price, Heneveld, Cooper, DeWitt and Litton) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please direct all correspondence to the following address: 25225 Detroit Road, Westlake, Ohio 44145 and direct any telephone inquiries to Russell H. Toye, Jr. at (440) 835-7343.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further, these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Sole or First joint inventor:

John C. Nardi 12/17/98  
John C. Nardi Date

Citizenship: United States of America

Residence: 3398 Tyler Drive

Brunswick, Ohio 44212

Post Office Address: same as above